

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ANYWHERECOMMERCE, INC. and
BBPOS LIMITED,

Plaintiffs,

v.

INGENICO INC., INGENICO CORP.,
and INGENICO GROUP SA,

Defendants.

Civil Docket No: 1:19-cv-11457-IT

**REQUEST FOR EXPEDITED
ORAL ARGUMENT**

**PLAINTIFFS' REQUEST FOR EXPEDITED ORAL ARGUMENT ON PLAINTIFF'S
MOTION FOR LEAVE TO MODIFY SCHEDULING ORDER**

Plaintiffs AnywhereCommerce, Inc. ("AnywhereCommerce") and BBPOS Limited ("BBPOS"), by and through counsel, submit this Request for Expedited Oral Argument on Plaintiff's Motion for Leave to Modify Scheduling Order (the "Motion") for the reasons stated below.

1. Per the Court's STANDING ORDER REGARDING REQUESTS FOR ADJOURNMENTS OR EXTENSIONS OF TIME dated December 4, 2021, Plaintiffs filed their Motion for Leave to Modify the Schedule of Remaining Case Management Deadlines that Was Set During the December 20, 2021 Status Conference Pending Further Order of Court (No. 166) on January 4, 2022, which complied with the Court's directive that "any request for an extension or adjournment shall be made at least forty-eight hours prior to the deadline or scheduled appearance." Note that the particular deadline at issue, that Plaintiffs seek to extend 21 days, is currently set for January 26, 2022.

2. On January 11, 2022, Defendants filed their Opposition to Motion for Leave to Modify Scheduling Order (No. 167). As such, the briefing on the motion is presumably

complete. The only additional fact that may come to bear on the issues herein presented is the fact that counsel of record (M. Bozeman) has just tested positive for COVID-19, following an in-person meeting on 1/10/2022 attended by other counsel of record for this matter (O. Griffin, P. Kessler). Messrs. Griffin and Kessler are currently monitoring for symptoms, but have not tested positive, as of the time of filing.

3. Given the time exigencies at issue, Plaintiffs seek that oral argument on the motion be set, as soon as practicable.

4. Pursuant to Rule 7.1(d) of the Local Rules of the United States District Court for the District of Massachusetts, counsel hereby request an expedited hearing on Plaintiffs' pending motion.

WHEREFORE, Plaintiffs respectfully request that the Court entertain oral argument for the pending motion on an expedited basis in advance of the current January 26, 2022 deadline.

Respectfully submitted this 13th day of January 2022,

Plaintiffs
AnywhereCommerce, Inc.
and BBPOS Limited,

By their attorneys,

Jonathon D. Friedman (BBO #180130)
Robert P. Rudolph (BBO # 684583)
Rudolph Friedmann LLP
92 State Street
Boston, MA 02109
Tel.: (617) 723-7700
Fax: (617) 227-0313
jfriedmann@rflawyers.com
rrudolph@rflawyers.com

-and-

KUTAK ROCK LLP

/s/ Melissa A. Bozeman

Oliver D. Griffin (Pro Hac Vice)

Pennsylvania Bar No. 88026

Oliver.griffin@kutakrock.com

Peter N. Kessler (Pro Hac Vice)

Pennsylvania Bar No. 209033

Peter.kessler@kutakrock.com

Melissa A. Bozeman (Pro Hac Vice)

Pennsylvania Bar No. 201116

Melissa.bozeman@kutakrock.com

1760 Market Street

Suite 1100

Philadelphia, PA 19103-4104

(215) 299-4384 (Telephone)

(215) 981-0719 (Facsimile)

Daniel Carmeli (Pro Hac Vice)

Colorado Bar No. 52880

Daniel.carmeli@kutakrock.com

1801 California Street

Suite 3000

Denver, CO 80202-2652

(303) 297-2400 (Telephone)

(303) 292-7799 (Facsimile)

-and-

Ricardo G. Cedillo (Pro Hac Vice)

Davis, Cedillo & Mendoza, Inc.

755 E. Mulberry Ave

Suite 500

San Antonio, TX 78212

(210) 822-6666 (Telephone)

rcedillo@lawdcm.com

CERTIFICATE OF SERVICE

I certify that on this 13th day of January 2022, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Melissa A. Bozeman

Melissa A. Bozeman